

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

KENNETH WAYNE BIERNOT,	)	
	)	
Plaintiff,	)	
	)	
	)	CIVIL NO. 2:12CV438
V.	)	
	)	
BARBARA O. CARRAWAY,	)	
City Treasurer	)	
	)	
Defendant.	)	
_____	)	

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the parties hereby jointly stipulate to the dismissal of this action without prejudice and in support thereof make the following representations to the Court:

1. The Plaintiff Kenneth Wayne Biernot instituted the action against the Defendant Barbara C. Carraway in the Honorable Court on August 10, 2012.
2. The co-defendant City of Chesapeake has previously been dismissed from this suit.
3. The Plaintiff moves to dismiss this action.
4. The defendant, Barbara Carraway, who has filed an answer, agrees to the dismissal.
5. This action is not a class action and not governed by any statute of the United States that requires an Order of the Court for dismissal.
6. Plaintiff has not dismissed and action based on, or including, the same claims as those presented in this suit.

7. The dismissal is without prejudice.
8. All parties will bear their own costs and attorney's fees.
9. The respective attorneys, by their signatures below, represent that they have the consent of their respective clients, have discussed the Stipulation of Dismissal without prejudice and have authority to bind their respective clients.

THIS ACTION IS DISMISSED WITHOUT PREJUDICE:

KENNETH WAYNE BIERNOT

BY: /s/ Steve C. Taylor, Esq.  
Steve C. Taylor, Esq.  
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And

BARBARA CARRAWAY

BY: /s/ S. Lawrence Dumville, Esq.  
S. Lawrence Dumville, Esq.  
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Attorney for Barbara O. Carraway,  
City Treasurer  
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